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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MALIBU MEDIA, LLC,
Plaintiff,

v.

JOHN DOE subscriber assigned IP
address 173.71.70.208,

Defendant.

Case No. 3:15-cv-03005-FLW-DEA

**MOTION FOR LEAVE TO SERVE A THIRD PARTY
SUBPOENA PRIOR TO A RULE 26(f) CONFERENCE**

Notice is given that on June 15, 2015, in Courtroom 5E, Clarkson S. Fisher Building & US Courthouse, 402 East State Street, Trenton, New Jersey, 08608, before the Honorable Freda L. Wolfson, D.J., at 9:30 a.m. of that day, or as soon thereafter as counsel can be heard, that Malibu Media, LLC ("Plaintiff"), will move the Court for an order granting it leave to serve a third party subpoena prior

to a Rule 26(f) conference. This motion will be made on the grounds that the order is necessary to obtain the true identity of the John Doe Defendant.

Pursuant to Fed. R. Civ. P. 26(d)(1), and upon the attached: (1) Declaration of Patrick J. Cerillo; (2) Memorandum of Law in support of this motion; (3) Declaration of Colette Field in support of this motion; (4) Declaration of Patrick Paige in support of this motion; and (5) Declaration of Tobias Fieser in support of this motion, Malibu Media, LLC (“Plaintiff”), respectfully moves for entry of an order granting it leave to serve a third party subpoena on Verizon Internet Services, prior to a Rule 26(f) conference (the “Motion”). A proposed order is attached for the Court’s convenience.

Dated: May 19, 2015

Respectfully submitted,

By: /s/ Patrick J. Cerillo
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